(3)

CH/12

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 3001 of 2003.

PETITIONER : Gyaneshwar Singh
S/o late Ram Gulam, 43 years,
Category - II, Mazdoor
Koriya Colliery,
Distt. Koriya (C.G.).

Versus

RESPONDENTS : 1. The Chairman-cum-Managing Director
South Eastern Coal Fields Ltd.
Seepat Road, Bilaspur (C.G.).

2. The General Manager,
S.E.C.L., Koriya Area,
Koriya Colliery, Distt. Koriya (C.G.)

3. The Colliery Superintendent
S.E.C.L.
Koriya Colliery, Distt. Koriya (C.G.)

P. R. No. 3996/03
Presented by Shri Prafull Bhagat
dated 20.09.03

WRIT PETITION UNDER ARTICLE 226 & 227 OF THE CONSTITUTION OF INDIA :

(119)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 3001 सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर संहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

24-09-2003

Shri Prafulla Bharat, counsel for the petitioner.

Heard.

The petitioner has preferred this writ petition under Articles 226 & 227 of Constitution of India challenging the order dated 27.03.2003 passed by respondent no.3- The Colliery Superintendent, S.E.C.L., Koriya Colliery, Distt. Koriya by which the petitioner has been intimated that he will be retiring on 30th September 2003.

The petitioner's petition is that he was appointed as General Mazdoor in Koriya Colliery in the year 1981. The petitioner is illiterate and at the time of appointment he gave his age approximately to be 21 to 22 years but the respondents have entered incorrect date of birth of the petitioner. Against that the petitioner is regularly making representations since 1995 but the respondents are not paying any heed to the request of the petitioner and they are not deciding the representations of the petitioner, therefore, order dated 27.03.2003 (Annexure P-6) be quashed communicating the petitioner that he will be retiring on

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

the last day of September 2003 and the respondents be directed to refer the case of the petitioner before the Age Determination Committee as provided in National Coal Wage Agreement III - No. 76.

Learned counsel for the petitioner submits that the petitioner is an illiterate person and as on today his age is about 43 years whereas the respondents have incorrectly recorded the birth of year of the petitioner as September 1943, against which the petitioner made several representations since 1995 but the respondents are not deciding his representations nor they are referring the case of the petitioner to the Age Determination Committee as provided in N.C.W.A. III No.76 for decision. Learned counsel further submits that in the facts and circumstances of the case respondent no.1 be directed to constitute a Age Determination Committee and to refer the case of the petitioner to that committee for decision.

Having heard the learned counsel for the petitioner and having regard to the facts and circumstances of the case, it is directed that the respondent no.1 should constitute Age

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	-3-	

Determination Committee as envisaged in N.C.W.A.III No.76 and refer the case of the petitioner for determination to that Committee and Committee shall try to decide the case of the petitioner as early as possible.

With this direction, this writ petition stands disposed of.

Consequently, M.W.P. No. 2746/2003 & I.A. No.8920/2003 also stands disposed of.

Certified copy as per Rules.

Sd/-
L.C. Bhadoo
Judge